REMARKS

The above-referenced patent application has been reviewed in the light of the Final Office Action, dated August 25, 1998, in which: claims 1-27 are rejected under 35 USC Section 103. Reconsideration of the above-referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-27 are now pending the above-referenced patent application. No claims have been cancelled or added. Claims 1, 10, 17, 22 and 25 have been amended.

The Examiner has rejected claims 1 to 27 under 35 USC Section 103 for a variety of reasons. The Examiner has indicated that: claims 1 to 16 are rejected as being unpatentable over Applicants' admitted prior art of FIG. 3 in view of Huang et. al.; claims 1 to 16 are rejected as being unpatentable over Jugg et. al. in view of Huang et. al.; and claims 17 to 27 are rejected as being unpatentable over May et. al. in view of Huang et. al. This rejection by the Examiner as to these claims is respectfully traversed. We address each of these rejections in turn below.

As previously indicated, the Examiner has rejected claims 1 to 16 as being unpatentable over Applicants' admitted prior art of FIG. 3 in view of Huang. As previously indicated, this rejection by the Examiner is traversed.

Applicants, in a Response, dated May 26, 1998, previously argued FIG. 3 does not show what the Examiner has asserted it shows based on how the terms "encoded binary digital signals used to route the packet through the network" are used in the specification and in the claims of the above-referenced patent application.

This language is used, for example, on page 10 of the specification, lines 3 to 14. It states:

> In one embodiment of a method for routing encoded signals through the network in accordance with the invention, the packet including a portion of the header may be received at a switch, such as switch 140 in FIG. 1, and the portion of the header may include encoded binary digital signals specifying a route through the network without decoding the header portion. **More specifically, rather than decoding bits in the portion of the header that provides the switch information on how to route a packet to a destination port or address and then re-encoding those bits, instead a bit pattern is chosen so that when the bit pattern is encoded it directly provides information regarding routing the packet through the**

**network in its encoded form. Therefore, the encoded binary digital signals
specify a route through the network without decoding** This may be
accomplished using a look-up table in a route unit or router, for example, although
the invention is not limited in scope in this respect. In this context, the terms route
unit and router are used interchangeably.(emphasis supplied)

The Examiner responded to this argument in the Final Office Action cited above by

stating: "Although these elements in the above-mentioned passage in the specification are found as

examples or embodiments in the specification, they were not claimed explicitly. Nor were the words

that are used in the claims defined in the specification to require these limitations. A reading of the

specification provides no evidence to indicate that these limitations must be imported into the claims to

give meaning to disputed terms."

Applicants respectfully disagree with the Examiner's position. Applicants respectfully assert that

the above passage provides a definition and that this must be imported into the claims. See, e.g,

Holman v. Telular Corp., 42 USPQ2d 1538, 1582 (Fed. Cir. 1997) ("The inventors' definition and

explanation of the meaning of the word "determining," as evidenced by the specification, controls the

interpretation of the that claim term."). However, rather than debate with the Examiner regarding

whether or not this language must be imported from the specification into the claims, Applicants, to

appease the Examiner, have explicitly amended claim 1, for example, to include the language cited

above. However, Applicants respectfully assert that the language from the passage above, inserted

into the claim, is no narrower than the original language of the claim. Furthermore, Applicants have not

made this amendment to avoid prior art, but, rather to clarify the meaning of claim terms for the

Examiner. Although other arguments could be made to overcome this rejection of the claims by the

Examiner, it is believed that the previous remarks are sufficient to overcome the Examiner's rejection.

Therefore, it is respectfully requested that this rejection by the Examiner of claim 1, as amended, be

withdrawn.

Claims 2 to 9 depend from, and include all the limitations of, claim 1, as amended. Therefore, it

is respectfully requested that the Examiner also withdraw this rejection of these claims as well.
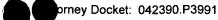
Claim 10 includes language similar to claim 1. Therefore, claim 10 has been amended to include language from the cited passage above. It is respectfully requested that the Examiner also withdraw this rejection of claim 10, as amended. Furthermore, claims 11 to 16, depend from, and include all the limitations of, claim 10, as amended. Therefore, it is respectfully requested that the Examiner also withdraw this rejection of these claims.

As previously indicated, the Examiner has also rejected claims 1 to 16 as being unpatentable over Judd in view of Huang. This rejection by the Examiner is also respectfully traversed.

Applicants argued previously, in the Response, dated May 26, 1998, that the Examiner has unfortunately misconstrued the meaning of the language "encoded binary digital signals used to route the packet through the network" as used throughout the specification and claims of the above-referenced patent application. Again, the excerpted portion of page 10 of the specification, as one example, illustrates how these words were intended to be construed. However, as before and as stated above, the Examiner responded by stating: "Although these elements in the above-mentioned passage in the specification are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms." However, as indicated above, rather than debate with the Examiner on this point, Applicants have amended claims 1 and 10, and, therefore, the claims that depend from them, in order to clarify the meaning of the claim terms for the Examiner; however, the language from the passage above that has been inserted into these claims is no narrower than the original language of these claims, and, as stated above, these amendments are not made to avoid prior art, but rather to clarify these claim terms for the Examiner. Although additional arguments could be made to overcome this rejection by the Examiner, it is believed that the foregoing is sufficient to overcome the Examiner's rejection. Therefore, it is respectfully requested that the Examiner's rejection of these claims be withdrawn.

As previously indicated, the Examiner has also rejected claims 17 to 27 as being unpatentable over May in view of Huang. This rejection by the Examiner is also respectfully traversed.

The Applicants also argued here that the Examiner misconstrued the claim language "encoded binary digital signals specifying of a route through the network without decoding." With regard to these claims, the Examiner again responded, in the Final Office Action cited above: "Although these elements in the above-mentioned passage in the specification are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms." Therefore, Applicants have also amended claim 17 to recite language from the previously cited passage of the specification. This amendment is not to avoid prior art, but to clarify the meaning of claim terms for the Examiner. Therefore, the language from the passage above inserted into claim 17 is no narrower than the original language of the claim. Although additional arguments may be made to overcome the rejection of these claims by the Examiner, it is believed that the foregoing is sufficient to overcome the Examiner's rejection. Therefore, it is respectfully requested that the Examiner's rejection as to claim 17, as amended, be withdrawn.

Claim 18 to 21 depend from, and include all of the limitations of claim 17, as amended. Therefore, it is respectfully requested that the Examiner withdraw his rejection of these claims as well.

Claim 22 includes language similar to claims 1, 10 and 17. Therefore, claim 22 has been amended to include language from the cited passage above. It is respectfully requested that the Examiner also withdraw this rejection of claim 22, as amended, as well. Also, claims 23 and 24, depend from, and include all the limitations of, claim 22, as amended. Therefore, it is respectfully requested that the Examiner also withdraw this rejection of these claims.

Claim 25 includes language similar to claims 1, 10, 17, and 22. Therefore, claim 25 has been amended to include language from the cited passage above. It is respectfully requested that the Examiner also withdraw this rejection of claim 25, as amended, as well. Also. claims 26 and 27,

depend from, and include all the limitations of, claim 25, as amended. Therefore, it is respectfully requested that the Examiner also withdraw this rejection of these claims.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

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